

**IN THE UNITED STATES FEDERAL DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, DC**

FILED

DEC 14 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

IN RE:

Rory M. Walsh; and
as Natural Guardian of S.J.W; a minor

Plaintiffs,

vs.

Federal Bureau of Investigation
J. Edgar Hoover FBI Building
935 Pennsylvania Ave, NW
Washington, DC 20004
James R. Clapper,
Director of National Intelligence
Office of the Dir. of Nat. Intel.
Washington, DC 20511
Foreign Intelligence Surveillance Court
333 Constitution Avenue, NW
Washington, DC 20001
Department of Veterans Affairs
810 Vermont Ave, NW
Washington, DC 20420

Defendants.

Case: 1:11-cv-02214
Assigned To : Roberts, Richard W.
Assign. Date : 12/14/2011
Description: FOIA/Privacy Act

FOIA

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA") 5
U.S.C. § 552, for injunctive and other appropriate relief, seeking the immediate
processing and release of agency records requested by Plaintiffs from defendants
Federal Bureau of Investigation (FBI), the Director of National Intelligence (DNI),

the Foreign Intelligence Surveillance Court (FISC), and the Department of Veterans' Affairs (VA).

2. Plaintiffs suffer under the continual harassment and interference of Michael W. Hagee of the NCCCIC (National Center for the Coordination of Counter-Intelligence Committee), subordinate and as part of the DNI, who continues to hold Plaintiff's under crushing surveillance, but also withhold Plaintiff Walsh's VA treatments, medications, rightful VA compensation and child support payments. Hagee, continues to break-into Plaintiff's bank accounts, and intercept the US Mails. The Patriot Act DOES NOT afford for the interception of the US Mails; that requires both a federal warrant and a postal inspector.

3. Plaintiffs submitted FOIA requests to the FBI, VA and the FISC that continue to be ignored. FOIA's request information not only on the crushing surveillance Hagee holds Plaintiffs under (Plaintiff Rory Walsh is diabetic from surviving a pre-meditated murder attempt from Jerry D. Humble while serving as an officer in the United States Marine Corps that Hagee refused to investigate), but also the names of the FBI agents sent against Plaintiffs by Hagee (The FBI has jurisdiction on surveillance in the United States), copies of all search warrants, copies of all audio and electronic surveillance warrants, and also copies of the VA falsified medical evaluation by the VA at the Wilmington, Delaware VAMC, and also from Dr. Raymond P. Marotta. In order, they are dated, for the FISC; 26 Nov

2010, for the FBI; appeal dated 27 Sep 2011, and the VA; 4 Nov 2011.

3. Although months have passed (and for the ignored FOIA to the FISC; over one year) since these requests were filed, none of the defendant agencies have released any record in response to the Requests. Nor has any defendant provided Plaintiffs with a processing schedule.

4. Plaintiffs now ask this Court to order the defendants immediately to process all records responsive to the Requests and to enjoin the Defendants from charging the Plaintiffs for processing the Requests.

Jurisdiction and Venue

5. This Court has both subject matter jurisdiction of the FOIA claims and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B), (a)(6)(E)(iii). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §§ 701-706.

6. Venue lies in this district under 5 U.S.C. §552(a)(4)(B).

Parties

7. Plaintiff Rory M. Walsh is a retired Marine Corps officer, who served in Iraq and is diabetic from surviving (barely) MajGen Jerry D. Humble's pre-meditated murder attempt. Michael W. Hagee of the NCCCIC refused to do any inquiry into this pre-meditated murder attempt, and has been throwing national Counter-Intelligence forces under the DNI umbrella of national assets, at the

Plaintiffs for now over six (6) years to keep anyone from not only investigating Humble's murder attempt, but his own ordered murder attempt of Walsh and his continual violation of the Plaintiff's Constitutional rights.

8. Plaintiff SJW is a minor, in the care of Plaintiff Rory M. Walsh, directly effected by Hagee's totally ignoring the Walsh family's Constitutional rights, and a witness of the lawlessness of the forces Hagee through the DNI continues to throw at the Walsh family, removing evidence, smashing furniture, and withholding rightful VA benefits and rightful child support payments.

9. Defendant FBI is part of the Department of the Justice of the United States and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

10. Defendant FISC is a government agency within the meaning of 5 U.S.C. § 552(f)(1).

11. Defendant VA is a Department of the Executive Branch of the United States government and is an agency within the meaning of 5 U.S.C. § 552(f)(1).

12. Defendant James R. Clapper is the Director of National Intelligence that is a Department of the Executive Branch of the United States government that is an agency within the meaning of 5 U.S.C. § 552(f)(1).

Factual Background

13. Michael W. Hagee, now of the ultra secret NCCCIC, as part of the DNI structure of forces, has been throwing national Counter-Intelligence forces at me

for now over twenty-two (22) years.

14. Plaintiff Rory M. Walsh (RMW) unfortunately served him for 15 months as one of his rifle company commanders in 1st Battalion, 8th Marines, 2nd Marine Division, Fleet Marine Force (2nd MARDIV, FMF), Atlantic, with the majority of that time attached to the 24th Marine Expeditionary Unit (24th MEU) during the workup and deployment as Landing Force 6th Fleet 1-90 (LF6F 1-90).

15. During this period, Hagee had the opportunity to either relieve Plaintiff RMW or award him an adverse Fitness Report; Hagee did neither, and also recommended Plaintiff RMW for promotion to Major both times Hagee wrote on Plaintiff RMW.

16. Hagee, instead, sent Counter-Intelligence forces into Plaintiff RMW's residence, the second time tearing his left shoulder when RMW awoke and struggled against them, interfering with his wedding plans in 1990, and harassing him during his honeymoon en-route to and also in Orlando Florida.

17. Hagee significantly stepped up this harassment when it was discovered by the VA medical doctors that Plaintiff RMW is diabetic from surviving a pre-meditated murder attempt while serving as an officer in the United States Marine Corps.

18. While serving on active duty, with Headquarters Battalion, 2nd MARDIV, FMF, then frocked LtCol Jerry D. Humble, with malice aforethought

and the intent to kill Plaintiff Walsh, poured a substance containing arsenic into one of Plaintiff RMW's drinks on RMW's desk.

19. Plaintiff RMW became severely sick, and nearly died.

20. The human body does not purge all of an acute arsenic exposure case, and due to the lingering arsenic in RMW's body, and this acute exposure episode, RMW is now diabetic, which is an incurable disease.

21. Upon discovery of this disease, and its etiology in 2003, Plaintiff RMW approached first HQMC, for an investigation and compensation for this documented pre-meditated murder attempt, and secondly the VA for treatment and disability payments.

22. Hagee, then serving as the Commandant of the Marine Corps, began his epic obstruction of justice and interference with Plaintiff RMW's treatment and compensation, as well as interfering with the federal court systems.

23. Hagee, incredibly, while serving as the Commandant of the Marine Corps, not only refused to conduct any inquiry into Humble's pre-meditated murder attempt, but also had Humble liquidate his sizable assets, sent national CI forces into Plaintiff RMW's residence to remove evidence, and lastly, sent CI assets to strike and kill Plaintiff RMW during his evening run on 11 Oct 2006, to keep RMW from making a filing on 12 Oct 2006. Those ordered assassins missed when RMW dived behind a street sign; those same photos of the torn up flower

bed are part of case 05-CV-0818 in the Middle District of Pa.

24. Hagee then retired, less than thirty (30) days later, and began his new billet within the DNI structure as part of the NCCCIC, when he continued his obstruction of justice, and determined retaliation against RMW for raising this murder attempt. Hagee is one of the few Commandants not allowed to complete four (4) years as CMC.

25. Hagee is involved in the falsified medical evaluation of RMW at the Wilmington, Delaware VAMC on 13 Dec 2006; RMW lives in Pennsylvania and gets treated at the VAMC in Lebanon, Pa, and has never been to that VAMC in Wilmington in his entire life.

26. RMW also produced his timesheet from GSI Commerce, where he worked on 13 Dec 2006 to show he was at work, when this falsified medical evaluation was generated.

27. Hagee sent the FBI and other CI assets repeatedly into Plaintiff RMW's home from 2005-2009 to remove evidence regarding case 05-CV-0818, in an incredible act(s) of obstruction of justice.

28. Plaintiff RMW still holds the evidence of those same break-ins, and the documentation of the evidence Hagee had removed from RMW's home without a warrant.

29. Based on this falsely generated medical evaluation and opinion, Plaintiff

RMW's VA claim was denied, and his family was forced into bankruptcy, effecting Plaintiff RMW, Plaintiff Christopher E. Walsh, and minor SJW.

30. Regardless, Hagee had the VARO (Veterans Affairs Regional Office) in Philadelphia use this falsified medical evaluation, and falsified medical opinion of Dr. Raymond P. Marotta of Charlottesville, Va., to deny RMW's VA claim for compensation for Humble's pre-meditated murder attempt that left him diabetic.

31. Hagee next sent the Secret Service to take RMW's job from the Bonton, and force their way into RMW's family home, twice, significantly causing mental anguish and professional embarrassment.

32. As part of that remand in 2009, the BVA (Board of Veterans Appeals) ordered the review of Plaintiff RMW's torn ankle, and torn left shoulder properly reported to the VA in Winston - Salem in 1994.

33. Hagee ordered the VARO to not do so, and RMW retains those same refusal emails from the assigned VARO manager; Lillie Y. Jackson.

34. This is the denial of a rightful claim from 1994, now seventeen (17) years later, adversely effecting Plaintiff RMW, Plaintiff Christopher R. Walsh, and minor SJW.

35. Hagee next sent the FBI to question Plaintiff RMW about the October 2010 shootings at the Marine Corps War Memorial in Quantico Va.

36. This is deliberate harassment; Plaintiff RMW owns no high-power rifles

(the National Weapons Registry would show this to the FBI) and RMW was in Kiev visiting a girlfriend when the shootings began.

37. With Hagee blocking any equitable investigation into Humble's pre-meditated murder attempt that has left RMW with an incurable disease, in 2010, Plaintiff RMW next approached the Navy to correct his records through the BCNR (Board for the Correction of Naval Records) process.

38. Hagee, abusing his access to the ECHELON Surveillance System, looked into Plaintiff RMW's home computer, learned of the content, and on 23 Dec 2010 had FBI agents outside Plaintiff RMW's residence to create some type of incident with RMW, to keep RMW from filing same DD-149 to correct his records.

39. On 23 Dec 2010, RMW ignored the FBI agents parked outside his home and did not allow them into his house, when they pounded on his door without a warrant.

40. Hagee then intercepted the US Mails in violation of Federal Law to intercept this DD-149, forcing Plaintiff RMW to hand-deliver it to MCB Quantico, Va.

41. Hagee's next deliberate obstruction was to order Ms. Frances Poletto of the PERB (Performance Evaluation Review Board; the Marine Corps' first review, similar to the Navy BCNR) to contact RMW's retained counsel to argue to remove

any reference to Humble's pre-meditated murder attempt that has left RMW diabetic.

42. Hagee then ordered Poletto to falsify her review, keep it from the Board members, and HQMC has, to date of this filing, failed to answer Congressman Platts' query of the Board members on how they voted.

43. Hagee next intercepted it and held it from the BCNR.

44. Hagee, enraged at this missed incident, next attempted to withhold RMW's rightful VA compensation, through having the VA send RMW VA Form 21-4140-1; Employment Questionnaire.

45. Plaintiff RMW properly submitted this form to the VA on 19 April 2011; ensuring Hagee missed.

46. Hagee continues to intercept the US Mails in violation of federal law as Plaintiff RMW repeatedly pleads with the Department of Justice for an investigation into Hagee's determined criminal activity against RMW's family.

47. Hagee does not want RMW to have a car and had CI teams mangle/disable RMW's car keys.

48. Hagee does not want RMW to travel and withholds his VA medications, forcing RMW to obtain them elsewhere, and by other means.

49. Hagee had RMW followed to Kiev and had his hotel room broken into during the summer of 2011.

50. Plaintiff RMW sent FOIA requests to the defendant Foreign Intelligence Surveillance Court that remain unanswered.

51. Plaintiff RMW sent FOIA requests to the FBI that have received the same intercept of the US mails, that Hagee continues without regard to the law, that have remained without any requested information provided.

52. Plaintiff RMW sent FOIA requests to the VA that provided a multitude of responses, detailed below, yet the requested information remain unanswered.

53. Defendant Clapper has done nothing to either control Hagee's violations of federal law and the Constitution, nor responded to complaints regarding his conduct.

54. Defendant Clapper has not produced a single warrant for his subordinate Hagee's crimes and invasion of Plaintiff's home and privacy.

FOIA Requests

55. On 26 Nov 2010, Plaintiff RMW submitted a FOIA request to defendant FISC requesting records of any search warrants issued to the CIA, Michael W. Hagee in either capacity (CMC or NCCCIC), the FBI, or the Department of the Navy. DEFENDANT THE FISC HAS NOT RESPONDED.

56. On 4 Nov 11, Plaintiff RMW submitted a FOIA request to the Department of Veterans Affairs requesting records regarding the falsified medical evaluation (allegedly) conducted on Plaintiff RMW at the Wilmington Delaware

VAMC (RMW was at work at GSI in King of Prussia, Pa, on that date).

DEFENDANT THE DEPARTMENT OF VETERANS AFFAIRS HAS NOT PROVIDED THE REQUESTED INFORMATION.

57. On 6 Dec 2011, Plaintiff RMW submitted a FOIA request to defendant James R. Clapper, the Director of National Intelligence, requesting records regarding the crushing surveillance Hagee keeps RMW and his family under, specifically asking for Echelon surveillance records, search warrants, and names of FBI agents sent against RMW and CI assassins sent by Hagee to kill Plaintiff RMW. DEFENDANT JAMES R. CLAPPER HAS NOT RESPONDED.

58. On 5 Jul 2011, Plaintiff RMW submitted a FOIA request to the FBI regarding the names of the FBI agents who questions RMW regarding the Washington DC Marine Corps Memorial shootings. The FBI provided a partial and dilatory response detailed below to which RMW appealed on 27 Sep 2011. On 26 Oct 2011, Priscilla Jones of the FBI acknowledged receipt of the FOIA appeal and assigned the appeal number AP-2012-00275. Beyond assigning the appeal a number, DEFENDANT FBI HAS NOT RESPONDED TO APPEAL.

59. Plaintiffs are seeking a waiver of all fees per 5 U.S.C. § 552(a)(4)(A)(ii)(II); this is a request to collect evidence to force Hagee to stop his unwarranted harassment and surveillance of Plaintiff RMW and his family, and is not for, and never will be for, commercial use. This is and remains a private

matter, but if the defendants want to go public with it, so be it.

The Defendants FOIA Responses

60. As discussed above at 57,58, and 59, defendants FISC, And Clapper have not responded.

61. As discussed above at 59, defendant FBI has made a partial, and dilatory response to Plaintiff RMW's properly filed FOIA request, on 13 Oct 11. The FBI has assigned an appeal number, but has taken no other action on the properly filed FOIA appeal.

62. The FBI has made no other response to date of this action.

63. The VA has made three (3) responses to date;

a. The VAMC in Wilmington Delaware called RMW and stated they had no record of Plaintiff RMW being treated there (Plaintiff RMW lives in Pennsylvania, gets treated at the VAMC in Lebanon, Pa, and was at work on 13 Dec 06 when this falsified medical evaluation ordered by Hagee was generated). VAMC Wilmington refused to put this in writing.

b. The VAMC in Philadelphia, that continues to withhold Plaintiff RMW's rightful benefits, after being remanded by the BVA, stated they would pass the request to the BVA on 6 Dec 10, but provided no requested information after having the request for over 30 days.

c. The BVA did not provide any requested information, after having

the request for over 30 days and provided no timeline when it would be provided.

Causes of Action

64. Defendants' failure to make a reasonable effort to search for records sought by the Plaintiffs violates the FOIA, 5 U.S.C. § 552(a)(3) and their own internal corresponding regulations.

65. Defendants' failure to promptly make available the records sought by the Plaintiffs violates the FOIA, 5 U.S.C. § 552(a)(3)(A) and their own internal corresponding regulations.

Requested Relief

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Order the defendants to immediately process all records responsive to each request;

B. Enjoin the defendants from charging the Plaintiffs search, review, or duplication fees for processing the subject requests;

C. Award Plaintiffs their costs and fees incurred in this action, to include filing fees; and

D. Grant such other relief as the Court may deem just and proper.

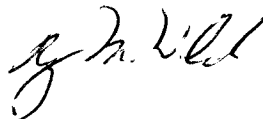
Conclusion

This action has been solely precipitated by the criminal actions of Michael W. Hagee of the NCCCIC, and the lack of supervision of his criminal conduct by

defendant Clapper and his predecessor; Admiral Blair. Plaintiff RMW is a retired Marine Corps officer, held a Top Secret (TS/SBI w/SCI Access) numerous times in his career, successfully commanded numerous units, to include fifteen (15) months as one of Hagee's rifle company commanders, and served with distinction in Iraq with the 24th MEU. Plaintiff RMW is merely a disabled Iraqi war veteran, left with an incurable disease trying to raise his family, after the destructive and vindictive actions of Hagee, bent on covering Humble's, and his own, pre-meditated murder attempts.

This Court should demonstrate and exercise the same ruthlessness in pursuit of this evidence to bring this criminal Hagee to justice.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rory M. Walsh", written in a cursive style.

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